

**AMEND IMPACT FEE ACT**

It is the intent of the Montana Association of Counties to seek legislation to amend the Title 7, Chapter 6, Part 16 - Impact Fee Act to remove barriers to adoption and implementation of impact fees

**WHEREAS**, the 2005 Montana Legislature, through Chapter 299 of the Session Laws of Montana authorized local governments to impose impact fees on development to reduce the costs of services for development being borne by local property tax payers; and,

**WHEREAS**, few counties have implemented any impact fees because of the overly burdensome processes involved; and

**WHEREAS**, MACo believes that through changes in current law, the Impact Fee Act can be made to work in a manner that reflects the original intent of the legislation; and,

**WHEREAS**, MACo has identified five barriers to the adoption and implementation of impact fees by counties:

- The unanimous vote requirement
- The 10-year useful life requirement
- The requirement that one member of the Impact Fee Advisory Committee be a Certified Public Accountant
- The 5% cap on the administrative fee that may be retained by the unit of local government
- A rational point of nexus where the impact fee can be collected

**NOW, THEREFORE, BE IT RESOLVED**, that the Montana Association of Counties shall seek legislation to remove those barriers to adoption and implementation.

**SPONSOR:** Land Use Committee

**RECOMMENDATION:** Do Pass

**PRIORITY:** High

**REFERRED TO:** Land Use Committee  
Budget & Finance Committee

**ADOPTED:** Annual Conference, Hamilton, MT September 24, 2008